

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO
MINUTE SHEET
BEFORE THE HONORABLE JUDITH C. HERRERA

Competency Hearing

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|--------------|-------------------------------------|----------------------|--------------------|--------------------|-------------------|
| CR No: | 18-3323 JCH | USA vs. | Peshlakai | | |
| Date: | 3/30/21 | Defendant: | Jansen Peshlakai | Interpreter: | n/a |
| Time In/Out: | 9:01-4:08 | Total Time: | 5 hours 19 minutes | Hearing in: | remote - via Zoom |
| Clerk: | V. Vigil | Court Reporter: | Paul Baca | Probation Officer: | n/a |
| AUSA: | Allison Jaros, Frederick Mendenhall | Defendant's Counsel: | Edward Bustamante | | |

PROCEEDINGS

9:01 a.m. Court in session; counsel state their appearances. Defendant, in custody at Cibola, appears via videoconference.

9:04 a.m. Government's Ex. 1 (Micono's CV) admitted without objection. The United States calls Dr. Jessica Micono. The witness is sworn. The witness' video goes out. Direct examination by Mr. Mendenhall. The parties agree to proceed without video, only audio. Ex. 2 is admitted without objection.

9:31 a.m. Cross examination of Dr. Micono by Mr. Bustamante.

9:47 a.m. Redirect examination by Mr. Mendenhall.

9:51 a.m. Recross by Mr. Bustamante. Witness is excused.

9:52 a.m. The Government calls Dr. Tracy O'Connor Pennuto. The witness is sworn. Direct examination by Ms. Jaros. Government's Ex. 3 (Pennuto's CV) admitted without objection. Defense stipulates to the expertise of all the expert witnesses today. Direct examination continues. Ex 6 (Indian Health Service Behavioral Health Record) admitted without objection.

10:29 a.m. RECESS.

10:41 a.m. Court in session. Mr. Bustamante cross examines Dr. Pennuto.

11:09 a.m. Redirect examination by Ms. Jaros.

11:13 a.m. Questions by the Court to Dr. Pennuto.

11:26 a.m. The defense calls Dr. Simone Viljoen. The witness is sworn. Direct examination by Mr. Bustamante. The Government stipulates to the witness' expertise. Mr. Bustamante passes the witness.

12:05 p.m. RECESS.

1:31 p.m. Court in session. Ms. Jaros conducts cross examination of Dr. Viljoen.

2:12 p.m. The witness is excused. The Government calls Dr. Evan Du Bois. The witness is sworn. Ms. Jaros conducts direct examination. Ex. 4 (Du Bois CV) is admitted into evidence and Dr. Du Bois recognized as an expert without objection. Ex. 5

(Du Bois report) is admitted without objection. Defendant's Ex. A and B (Viljoen's CV and report) are admitted without objection.

2:55 p.m. RECESS.

3:05 p.m. Court in session. Mr. Bustamante cross examines Dr. Du Bois.

3:42 p.m. Redirect examination by Ms. Jaros.

3:48 p.m. The witness is excused. The Government rests. The defense has no further witnesses.

3:50 p.m. Closing argument by Mr. Bustamante. Closing argument by Ms. Jaros. Question by the Court.

4:08 p.m. Court takes the motion and question of competency under advisement. **RECESS.**